

10 MELINA RAZAVI,  
11 Plaintiff,

12 v.

13 LUCKY SUPERMARKET  
14 CORPORATION, et al.,  
15 Defendants.

Case No. [16-cv-04119 NC](#)

**ORDER TO SHOW CAUSE**

Re: Dkt. No. 1

16 Plaintiff Melina Razavi, proceeding pro se, has filed a letter with the Court alleging that  
17 she was struck by a Lucky Store employee on December 6, 2012, with a red store shopping  
18 basket. Dkt. No. 1. She has also filed a motion for leave to proceed in forma pauperis. Dkt. No.  
19 2.

20 However, Razavi's letter does not allege diversity of citizenship or a federal cause of  
21 action and does not satisfy the rules of pleading under Federal Rule of Civil Procedure 8(a).  
22 Therefore, Razavi is ordered to show cause why her complaint should not be dismissed. She is  
23 also reminded that she must either consent to or decline the jurisdiction of a magistrate judge  
24 under U.S.C. § 636(c). A form is attached to make this decision. Also attached is a letter  
25 providing guidance to additional resources the Court provides pro se litigants. Razavi must  
26 respond to this order and must either consent or decline magistrate judge jurisdiction by August 8,  
27 2016.

28 Under 28 U.S.C. § 1915(a), "any court of the United States may authorize the

1 commencement . . . of any suit . . . without prepayment of fees or security therefor, by a  
2 person who submits an affidavit that includes a statement . . . that the person is unable to  
3 pay such fees or give security therefor.” A district court must dismiss the complaint of an  
4 in forma pauperis (IFP) applicant if it determines that the complaint is frivolous or fails to  
5 state a claim upon which relief can be granted. 28 U.S.C. § 1915(e)(2)(B); *Lopez v. Smith*,  
6 203 F.3d 1122, 1126-27 (9th Cir. 2000). “Dismissals on these grounds are often made sua  
7 sponte prior to the issuance of process, so as to spare prospective defendants the  
8 inconvenience and expense of answering such complaints.” *Neitzke v. Williams*, 490 U.S.  
9 319, 324 (1989).

10 Here, Razavi has shown in her IFP application that she is unable to pay the filing fee  
11 required to file a complaint in federal district court. Dkt. No. 2. However, upon review of her  
12 allegations, the Court finds that, liberally construed, her complaint does not pass § 1915 review  
13 and should be dismissed for lack of federal subject matter jurisdiction. Federal Rule of Civil  
14 Procedure 8 requires that a complaint must contain: (1) a short plain statement of the grounds for  
15 the court’s jurisdiction; (2) a short and plain statement of the claim showing that the pleader is  
16 entitled to relief; and (3) a demand for the relief sought. Razavi’s complaint sets forth the relevant  
17 facts, but does not state the legal basis for a claim, the relief sought, or the basis for the Court’s  
18 jurisdiction. Therefore, the Court orders Razavi to show cause why her complaint should not be  
19 dismissed. She must respond to this order in writing and also must either consent to or decline  
20 magistrate judge jurisdiction by August 8, 2016.

21  
22 **IT IS SO ORDERED.**

23  
24 Dated: July 25, 2016

25  
26   
27 NATHANAEL M. COUSINS  
28 United States Magistrate Judge

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MELINA RAZAVI,

Plaintiff,

v.

LUCKY SUPERMARKET  
CORPORATION, et al.,

Defendants.

Case No. 16-cv-04119 NC

**CONSENT OR DECLINATION TO  
MAGISTRATE JUDGE JURISDICTION**

INSTRUCTIONS: Please indicate below by checking one of the two boxes whether you (if you are the party) or the party you represent (if you are an attorney in the case) choose(s) to consent or decline magistrate judge jurisdiction in this matter. Sign this form below your selection.

**Consent** to Magistrate Judge Jurisdiction

In accordance with the provisions of 28 U.S.C. § 636(c), I voluntarily **consent** to have a United States magistrate judge conduct all further proceedings in this case, including trial and entry of final judgment. I understand that appeal from the judgment shall be taken directly to the United States Court of Appeals for the Ninth Circuit.

OR

**Decline** Magistrate Judge Jurisdiction

In accordance with the provisions of 28 U.S.C. § 636(c), I **decline** to have a United States magistrate judge conduct all further proceedings in this case and I hereby request that this case be reassigned to a United States district judge.

DATE:

NAME:  
COUNSEL FOR:  
(OR "PRO SE:")

Signature

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
280 South 1st Street  
San Jose, CA 95113

[www.cand.uscourts.gov](http://www.cand.uscourts.gov)

SUSAN Y. SOONG  
CLERK OF COURT

GENERAL COURT NUMBER  
408-535-5363

To: Pro Se Litigant  
Re: Representing Yourself Before This Court

Dear Pro Se Litigant:

If you are representing yourself in federal court without representation by an attorney, that is called proceeding “pro se.” The court has free resources to help you find your way through the court system and procedures. The Federal Pro Se Program at the San Jose Courthouse provides free information and limited-scope legal advice to pro se litigants in federal civil cases. The Federal Pro Se Program is available by appointment and on a drop-in basis. The Federal Pro Se Program is available at Room 2070 in the San Jose United States Courthouse (Monday to Thursday 1:00 – 4:00 pm, on Friday by appointment only), and The Law Foundation of Silicon Valley, 152 N. 3rd Street, 3rd Floor, San Jose, CA (Monday to Thursday 9:00 am –12:00 pm, on Friday by appointment only), or by calling (408) 297-1480.

There are also online resources available on the court's webpage. The Pro Se Handbook, found at <http://www.cand.uscourts.gov/prosehandbook>, has a downloadable version of the court's own publication: *Representing Yourself in Federal Court: A Handbook for Pro Se Litigants*. Pay special attention to the **Civil Litigation Packets** tab on the left, which provides useful fillable forms. The Pro Se Handbook website also has a link to the Court's Electronic Case Filing (ECF) website.

Susan Y. Soong

Susan Y. Soong

## Clerk, United States District Court

1 MELINA RAZAVI,

2 Plaintiff,

3 v.

4 LUCKY SUPERMARKET  
5 CORPORATION, et al.,

6 Defendants.

7 Case No. 16-cv-04119-NC

8 **CERTIFICATE OF SERVICE**

9  
10 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.  
11 District Court, Northern District of California.

12  
13 That on July 25, 2016, I SERVED a true and correct copy(ies) of the attached, by placing  
14 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
15 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
16 receptacle located in the Clerk's office.

17  
18 Melina Razavi  
19 1200 Franklin Mall  
Santa Clara, CA 95050

20  
21 Dated: July 25, 2016

22  
23 Susan Y. Soong  
24 Clerk, United States District Court

25  
26 By:   
27 Lili Harrell, Deputy Clerk to the  
Honorable NATHANIEL M. COUSINS